

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>In re:</b>  <b>TEHUM CARE SERVICES, INC.,</b> <b>Debtor.</b>	§ § § § § §	<b>Case No. 23-90086 (CML)</b> <b>(Chapter 11)</b>
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**MOTION FOR RELIEF FROM THE STAY TO ALLOW DEBTOR TO BE INCLUDED AS A  
PARTY COURT CASE NECESSARILY FILED IN THE DISTRICT OF IDAHO**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN 7 DAYS BEFORE THE HEARING AND YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.**

**THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON APRIL 27, 2023 AT 10:00 AM CDT IN COURTROOM 401, 515 RUSK, HOUSTON, TX 77002.**

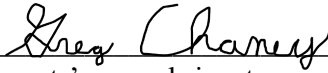
1. This motion requests an order from the Bankruptcy Court authorizing Movants to commence suit against debtor by amending their complaint in the United States Court for the District of Idaho to add Debtor as a party.
2. Debtor is, by merger, the successor entity to Corizon, LLC, which formerly contracted with the Idaho Department of Correction (IDOC) to provide medical services to its inmate population in facilities located in the State of Idaho.
3. Decedent, Bajro Lakic, was an inmate in the custody of IDOC housed at a facility wherein Debtor was contracted to provide medical services at the time he died on March 24, 2021.
4. Movant Zemina Lakic is the appointed Personal Representative (executor) of the Estate of Bajro Lakic.
5. Movant Sefika Lakic is the mother of Decedent and legal next of kin under the laws of the State of Idaho.
6. Decedent died of stomach cancer at the age of thirty (30) years only fifteen (15) days after being taken to his only emergency room visit and fourteen (14) days after being

diagnosed. Movants—on the theory that the cancer was foreseeable, detectable, and mitigable at an earlier stage—have alleged various theories of recovery, including state law negligence, against those with a legal obligation to provide adequate medical treatment.

7. Movants have initiated a case in the United States Court for the District of Idaho against IDOC, its officers, and several yet-unascertained parties under 42 U.S.C. §1983 and the tort claims act of the State of Idaho. The District of Idaho case number is 1:23-cv-00094. EXHIBIT A attached hereto is a true and accurate copy of the complaint filed in the aforementioned case.
8. As the provider of medical services at and next preceding Decedent's death, Debtor would have been largely if not primarily responsible for any negligence that may have arisen in the course of Decedent's care or lack thereof.
9. The State of Idaho recognizes both comparative negligence and joint and several liability. *See §§6-801 through 6-804, Idaho Code.*
10. Pursuing Movant's claims as a contested case wouldn't be feasible. Debtor's liability, if any, could be offset by any liability attributable to IDOC or its employees or officers. The State of Idaho, including its agencies and officers, can't be sued in the federal court in another state. Therefore the only forum in which Movants can be afforded complete relief, and Debtor can be availed of any comparative negligence offset, would be the case currently pending in the District of Idaho.
11. Movants submit that, under Rule 19(1)(A), F.R.C.P., Debtor is a required party in the District of Idaho case.
12. Based on the foregoing, Movants seek termination of the automatic stay to allow commencement of a civil lawsuit against Debtor by amending their pleading to add Debtor as a party in 1:23-cv-00094 currently pending in the United States Court for the District of Idaho.
13. Movants certify that prior to filing this motion an attempt was made to confer with the Debtor's counsel either by telephone, by e-mail or by facsimile, by the following person on the following date and time: on March 18, 2023, Counsel for Movants exchanged emails with Jason Brookner the result of which was confirmation by Mr. Brookner that

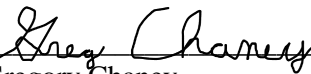
Debtor would not agree to the relief sought herein. Therefore, an agreement could not be reached.

Date: 3/21/2023

  
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Movants' counsel signature  
Name: Gregory Chaney  
Idaho Bar No.: 10513  
S.D. Tex. Bar No.: admitted *pro hac vice*  
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**Certificate of Service and Certificate of Compliance with BLR 4001**

A copy of this motion was served on the persons shown on exhibit "B" at the addresses reflected on that exhibit by prepaid United States first class mail and on the Debtor's counsel and the persons shown on exhibit "C" by electronic means on March 21, 2023. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

  
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Gregory Chaney  
*Attorney for Movants*